

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK,

X

Plaintiff,

Case No.: 11-CV-3304 (RJH)

-against-

AMERICAN MOTORISTS INSURANCE
COMPANY, as successor in interest to CARLISLE
INSURANCE COMPANY, and WESTCHESTER
FIRE INSURANCE COMPANY,

**DEFENDANT'S INITIAL
DISCLOSURE PURSUANT
TO F.R.C.P. 26(a)(1)(A)**

Defendants.

X

Defendant American Motorists Insurance Company, as successor in interest to Carlisle Insurance Company ("AMIC"), by and through its attorneys, Clausen Miller P.C., makes the following initial disclosures pursuant to F.R.C.P. Rule 26 (a)(1)(A). These initial disclosures are based on information reasonably available to Defendant at this time. Defendant reserves the right to supplement these disclosures at any time, should additional information become available.

A. Witnesses

Defendant identifies the following persons who are likely to have discoverable information that Defendant may use to support its claims and defenses:

1. Joseph Feichtel
Executive Claims Examiner
Markel
4521 Highwoods Parkway
Glen Allen, VA 23060
(804) 273-1400 (to be contacted through counsel)

B. Documents

Defendant identifies the following documents in its present possession, custody or control that it may use to support its claims and defense:

1. Commercial General Liability Policy No. GLP1001078, issues by Carlisle Insurance Company to Diamond Asphalt Corporation ("Diamond"), covering the period from February 4, 1995 to December 4, 1996 (the "Primary Policy"; attached as an Exhibit to AMIC's answer and counterclaim);
2. Commercial Umbrella Policy No. CUA-102714-0, issued by Westchester to Diamond, covering the period from February 5, 1996 to December 4, 1996 (the "Excess Policy");
3. The claims file maintained by Markel, claims handler for AMIC regarding the Primary Policy, including: documents relating to settlement of the Rivera v. City of New York action by AMIC on behalf of Diamond.

Defendant also identifies the discovery and pleadings in the underlying action, *Rubin Rivera v. The City of New York, Diamond Asphalt, et al.*, in the Supreme Court of the State of New York, Bronx County, Index No. 7931/98.

C. Damages

Not applicable.

D. Insurance.

A copy of the Primary Policy was attached as an exhibit to AMIC's answer and counterclaim. A copy of the Excess Policy was attached as part of Westchester Fire Insurance Company's Notice of Removal in this case.

E. Experts and Opinions

None identified at this time.


Dated: New York, New York
October 17, 2011

Yours, etc.

CLAUSEN MILLER P.C.
Attorneys for Defendant
American Motorists Insurance Company,
As successor in interest to

Carlisle Insurance Company
One Chase Manhattan Plaza
New York, New York 10005
(212)805-3900

By:



Steven J. Fried, Esq.

CERTIFICATE OF SERVICE

I, STEVEN J. FRIED, hereby certify and affirm that a true and correct copy of the attached DEFENDANT American Motorists Insurance Company, as successor in interest to Carlisle Insurance Company's INITIAL DISCLOSURE PURSUANT TO F.R.C.P. 26 (a)(1)(A), was served via Electronic Mail on this 17th day of October, 2011 upon the following:

To: Aaron Bloom
Corporation Counsel of the City of
New York
100 Church Street, Room 20-84
New York, New York 10007
(212) 788-0967
abloom@law.nyc.gov

J. Gregory Lahr
Thomas R. Orofino
Sedgwick LLP
125 Broad Street, 39th Floor
New York, New York 10004-2400
(212) 422-0202
Thomas.Orofino@sedgwicklaw.com